

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL E. QUINN and U.S. POSTAL SERVICE,
POST OFFICE, Youngstown, Ohio

*Docket No. 97-522; Submitted on the Record;
Issued October 20, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

The issue is whether appellant has established a back condition causally related to his August 21, 1995 accepted employment injury.

On August 21, 1995 appellant, then a 39-year-old mail handler, filed a notice of traumatic injury, which the Office of Workers' Compensation Programs accepted for a lumbar strain. Appellant returned to his regular position on October 9, 1995

On March 19, 1996 appellant filed a notice of recurrence of disability indicating that he suffered a recurrence on March 7, 1996 after a strenuous evening of work on March 6, 1996.

In support, appellant submitted a report from Dr. Ronald Aiello, a doctor of osteopathy, indicating that appellant was disabled from work March 7 through March 8, 1996, but that he would be released for work on March 11, 1996.

On March 22, 1996 Dr. Kenneth M. Cardlin, a Board-certified family practitioner, reported that appellant complained of back pain radiating into his right leg following an increase in work activity.

On May 2, 1996 the Office requested additional information from appellant including a medical opinion addressing the medical connection between the claimed recurrence and the accepted August 21, 1995 injury. The Office also requested information concerning appellant's strenuous evening of work on March 6, 1996 and its effect on his condition.

On June 6, 1996 Dr. Robert L. Gilliland, a Board-certified neurologist, completed an attending physician's form. He diagnosed a lumbar strain/sprain and checked "yes" to indicate that the condition was causally related to appellant's August 21, 1995 accepted employment injury.

By decision dated June 11, 1996, the Office rejected appellant's recurrence of disability claim because the evidence of file failed to demonstrate a causal relationship between his disability commencing March 7, 1996 and the August 21, 1995 employment injury.

On June 11, 1996 Dr. Gilliland, recorded the history of appellant's August 21, 1995 injury and his regular job duties, but did not discuss appellant's limited-duty position or appellant's activities on March 6, 1996. He noted an abnormal gait and abnormal findings concerning appellant's lower extremities and his lumbar spine. Magnetic resonance imaging revealed mild degenerative changes at L4-5 with mild bulging and electromyography showed myotonic potentials in the muscles. Dr. Gilliland diagnosed strain and sprain of the lumbar spine and the musculoligamentous attachments; myopathic weakness of the feet, with partial foot drop, along with myotonic responses in the electromyography. He opined that the findings regarding the injury to L4-5 were clear cut. Finally, he negated any connection between appellant's leg and feet problems and his employment.

On June 19, 1996 Dr. Gilliland indicated only that he was treating appellant for injuries he received at work on August 21, 1995.

On July 10, 1996 appellant's representative requested reconsideration.

By decision dated August 15, 1996, the Office reviewed the merits of the claim, but found that the evidence submitted in support of the application for reconsideration was not sufficient to warrant modification of the June 11, 1996 decision.

The Board finds that appellant has not established a back condition causally related to his accepted August 21, 1995 employment injury.

Where appellant claims a recurrence of disability to an accepted employment-related injury, he has the burden of establishing by the weight of the reliable probative evidence that the recurrence of the condition, for which he seeks compensation is causally related to the accepted employment injury.¹ As part of this burden, appellant must submit rationalized medical opinion evidence based on a complete and accurate factual and medical background showing a causal relationship between the current condition and the accepted employment-related injury.

In this case, Dr. Gilliland, a Board-certified neurologist, provided the only medical opinion relating appellant's current back condition to his August 21, 1995 accepted injury. In his June 6, 1996 attending physician's form, he diagnosed a lumbar strain/sprain and checked "yes" to indicate that the condition was causally related to appellant's August 21, 1995 accepted employment injury. He did not address causal relationship in his subsequent reports dated June 11 and June 19, 1996. Nevertheless, a physician's opinion on causal relationship consisting only of checking "yes" to a form question has little probative value and is insufficient to establish causal relationship.² Moreover, Dr. Gilliland was unaware of the strenuous evening of work on March 6, 1996 described, without detail, by appellant in his notice of recurrence of

¹ See *Henry L. Kent*, 34 ECAB 361 (1982); *Dennis E. Twadzik*, 34 ECAB 536 (1983).

² *Ruth S. Johnson*, 46 ECAB 237 (1994).

disability, which precipitated the alleged recurrence. Dr. Gilliland's opinion, therefore, is not based on a proper factual background. Accordingly, appellant has failed to establish that he suffered a recurrence of disability on March 7, 1996.

The decisions of the Office of Workers' Compensation Programs dated October 22 and August 15, 1996 are affirmed.

Dated, Washington, D.C.
October 20, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member